
December 15, 2017

Press Release - For Immediate Release

Defendant's Name: Austin Gengler
Age: 27
State of residence: Beresford, SD
Criminal File Number: 17-168
Incident Date: December 12, 2016
Indictment Date: May 17, 2017
Arraignment Hearing: May 22, 2017
Change of Plea Date: June 5, 2017
Date of Sentencing: July 31, 2017
Convicted of: Ct 1: Forgery, a violation of SDCL 22-39-36, a class 5 felony;
Ct 3: False Impersonation to a Police Officer, a violation of SDCL 22-40-1, a class 1 misdemeanor; and
Ct 5: Speeding, a violation of SDCL 32-25-7, a class 2 misdemeanor
Arresting Officer: Officer Dylan Nelson - APD
Defense Attorney: Tom Frieberg
Prosecution Attorney: Jerry A. Miller

Case Synopsis on Felony File 16-087:

On April 28, 2015, Austin Gengler was stopped for a minor speeding violation in the city limits of Beresford, SD. Officer Fahlberg had his body camera on a recorded the entire event. GENGLER told the officer where he was coming from and who he was working for on the day in question. GENGLER also told officer Fahlberg that his name was Michael GENGLER. GENGLER (Michael) was issued a citation based upon the date of birth information that was provided to the officer. GENGLER stated that he did not have his license on his possession. The officer ran the name and date-of-birth information through dispatch and Michael GENGLER came back with a valid license.

The Michael GENGLER ticket was logged into the state system and Michael GENGLER failed to pay the citation. A warrant was issued for Michael GENGLER. Michael GENGLER was arrested on the warrant for his arrest. Michael GENGLER reported to the Beresford Police Department that he believed that his brother Austin GENGLER had used his identity to avoid a speeding ticket. Officer Fahlberg reviewed his body camera video and compared the video image to the driver's license photos of both Austin GENGLER and Michael GENGLER. Officer Fahlberg was able to clearly identify Austin GENGLER as the driver of the vehicle on April 28, 2015. Officer Fahlberg presented a report to the State's Attorney's requesting a warrant for Austin GENGLER for the above referenced charges. Austin GENGLER was arrested and convicted of the identity theft and the speeding offense.

Case Synopsis:

On December 12, 2016, Austin Gengler was stopped for a minor speeding violation in the city limits of Alcester, SD. The driver identified himself as Michael GENGLER. GENGLER (Michael) was issued a citation based upon the date of birth information that was provided to the officer. GENGLER stated that he did not have his license on his possession. The officer ran the name and date-of-birth information through dispatch and Michael GENGLER came back with a valid license.

The Michael GENGLER ticket was logged into the state system and Michael GENGLER failed to pay the citation. A warrant was issued for Michael GENGLER. Michael GENGLER was arrested on the warrant for his arrest. Michael GENGLER reported to the Alcester Police Department that he believed that his brother Austin GENGLER had used his identity to avoid a speeding ticket. Officer Nelson investigated and interviewed Austin GENGLER. Austin GENGLER admitted that he had used his brother's name during the stop. It was also determined that Austin GENGLER had been arrested in the State of Iowa and was facing charges in the State of Iowa for the same set of facts of using his brother's name during a traffic stop.

Sentencing Synopsis:

AS TO THE CHARGE in Count III: False Impersonation to a Police Officer, a violation of SDCL 22-40-1, a class 1 misdemeanor; IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of Eighty-Four (\$84.00) Dollars; and a Fine in the amount of Five Hundred (\$500.00) Dollars.

AS TO THE CHARGE in Count V: Speeding, a violation of SDCL 32-25-7, a class 2 misdemeanor; IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of Sixty-Six (\$66.00) Dollars; and a Fine in the amount of Two Hundred (\$200.00) Dollars.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts Ordered by the Court – To the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): Court Appointed Attorneys Fees in the amount of Eight Hundred and Seventy-Four Dollars and Twenty (\$874.20) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

IT IS FURTHER ORDERED that the Defendant's Count I sentence shall run **consecutive** to his Count I sentence in file CRI16-087.

IT IS FURTHER ORDERED that the Defendant shall remain in the custody of the Union County Sheriff's Office until he can be transported to the South Dakota State Penitentiary at their earliest opportunity.

Criminal History Synopsis:

The State filed a part two information in this case alleging two recent felony convictions. In 2015 Gengler was sentenced in Iowa for a 3rd offense OWI. In 2016 Gengler was sentenced on a class 6 felony for Identity Theft. This file is nearly identical to the 2016 felony file. The Court, in this file, extended Gengler's parole time by 5 years. Collateral information after the arrest up to the time of sentencing, identified that Austin Gengler was harassing his brother and threatening physical violence against his brother for taking the position that Austin Gengler should receive

penitentiary time. Austin Gengler also made statements that his brother should have just paid the tickets and kept his mouth shut. The State believes that these actions contributed to the Court's sentencing decision.